

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No: (212) 637-2710  
FAX No.: (212) 637-2717

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	DECLARATION OF
Plaintiff,	:	<u>KATHLEEN A. ZEBROWSKI</u>
	:	
- v. -	:	07 Civ. 6027 (JSR)
	:	
SALVADOR E. ROSILLO,	:	
	:	
Defendant.	:	

-----X

KATHLEEN A. ZEBROWSKI, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for plaintiff United States of America (the "United States"). I am in charge of the prosecution of this case, and I am familiar with the matters set forth herein. The information contained in this declaration was obtained from the records and files of the United States Attorney's Office.

2. I submit this declaration in opposition to the defendant Salvador E. Rosillo's motion to vacate the consent judgment.

3. Attached hereto as Exhibit A is a true and correct copy the January 10,

2007 letter from the Government to the defendant notifying the defendant that he was indebted to the United States Department of Education in the amount of \$46,763.52, arising from his defaulted student loans (the “demand letter”).

4. The Government included a financial disclosure form with the demand letter. The financial disclosure form included, inter alia, a section for the defendant to make a monthly payment offer toward payment of the debt.

5. Attached hereto as Exhibit B is a true and correct copy of the letter dated January 26, 2007, from “F. Fernandez, on behalf of Salvador Rosillo” to the Government.

6. On or about February 2, 2007, the Government responded to the defendant’s letter. A true and correct copy of the Government’s response is attached hereto as Exhibit C.

7. The defendant did not respond to the Government’s aforementioned letters.

8. On June 26, 2007, the Government filed the civil complaint in this action.

9. On or about July 10, 2007, the Government mailed the defendant a copy of the complaint, a waiver of service form and a proposed consent judgment. A true and correct copy of the Government’s July 10, 2007 letter is attached hereto as Exhibit D.

10. On July 17, 2007, the defendant signed the waiver of service of the summons pursuant to Rule 4(d) of the Federal Rules of Civil Procedure. A true and correct copy of the waiver of service is attached hereto as Exhibit E.

11. On July 24, 2007, the defendant signed the consent judgment. A true and correct copy of the consent judgment is attached hereto as Exhibit F.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
July 30, 2008

  
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

**EXHIBIT A**



United States Attorney  
Southern District of New York

FINANCIAL LITIGATION UNIT  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-1561

January 10, 2007

2007Z00103/001

Mr. Salvador E. Rosillo  
78 Reade Street  
New York, NY 10007

Re: United States v. Salvador E. Rosillo  
Agency Claim No: 451-66-8480  
Total Debt Balance: \$46,763.52

Dear Mr. Rosillo:

The United States Department of Education ("DOE") claims that you are indebted to the United States of America (the "United States") for the amount shown above. The basis for that claim is set forth in the enclosed Certificate of Indebtedness. It is the responsibility of this office to file suit to collect debts owed to the United States after all efforts by the DOE to collect have failed.

A check or money order for the amount shown above, made payable to the "U.S. Department of Justice," should be mailed to this office in the enclosed envelope within 15 days.

Unless the debt is paid in full within the next 15 days, this office will file suit against you in the United States District Court to recover the full amount due. Once we file suit against you, court costs and fees may be added to the amount you now owe. Enforced collection may then be made by the United States Marshal who may be ordered to attach and sell any non-exempt property you may have now or acquire in the future.

Only your full cooperation and prompt payment of the amount of the claim will make suit and enforced collection unnecessary. If you are not making full payment at this time, please complete the enclosed financial disclosure form and return it to this office with your payment offer, copies of your two previous years' income tax returns and three current paystubs.

Salvador E. Rosillo  
2007Z00103/001

- 2 -

If you are currently a member of the military service, whether active or reserve, please inform this office immediately by calling the number listed below or indicating your current position on the enclosed financial disclosure statement.

If you have any further questions, please do not hesitate to call the number listed above.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

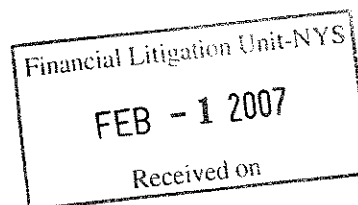
By: Natalya Yagudayeva  
NATALYA YAGUDAYEVA  
Financial Litigation Agent

Enclosure.

**EXHIBIT B**

**Mr. F. Fernandez on - behalf of  
Salvador Rosillo  
78 Reade Street  
New York, NY 10007**

January 26, 2007



**Michael J. Garcia** (via regular mail)  
US Attorney  
**Kathleen A. Zebrowski** (via regular mail)  
Assistant US Attorney  
**Natalya Yagudayeva** (via certified mail)  
Financial Litigation Agent  
**Department of Justice**  
United States Attorney  
Southern District of New York  
Financial Litigation Unit  
86 Chambers Street  
New York, NY 10007

**Re: Salvador Rosillo**  
**Agency Claim #451-66-8480**

Dear Sir/Madam:

I am a friend, and I am writing this letter on behalf of Salvador Rosillo. The Department of Justice should be aware that Mr. Rosillo is 70 years old. He suffers multiple physical symptoms and ailments, directly related to being in the direct path of the several 911 dust clouds. His person and domicile were covered in the toxic debris dust, on September 11, 2001. As a result, among other things, Mr. Rosillo suffers from PTSD (post traumatic stress disorder), damage to his lungs and breathing; unusual rashes and damage to his facial nerves. He has been and is being treated by various doctors and medical professionals.

The Department of Justice should also be aware Mr. Rosillo is a US Army veteran, and was a New York City schools teacher in the early 1990's; he may be entitled to forbearance, in regards to part or all of his student loan debt. His original student loan debt is under \$5,000 dollars – now (after over 30 years of inaction) our government is seeking nearly \$50,000 he simply does not have... Minimally, I respectfully request the Department of Justice, via the US Attorney's Financial Litigation Unit, permanently postpone or severely delay any and all legal action(s) or proceeding(s) against Mr. Rosillo.

Thank you, for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "F. Fernandez".

F. Fernandez – on behalf of  
Salvador Rosillo



**EXHIBIT C**



United States Attorney  
Southern District of New York

FINANCIAL LITIGATION UNIT  
86 Chambers Street  
New York, New York 10007

February 2, 2007

2007Z00103-003

Mr. Salvador E. Rosillo  
78 Reade Street  
New York, NY 10007

Re: United States v. Salvador E. Rosillo

Dear Mr. Rosillo:

We write in response to your letter dated January 26, 2007. Please fill out completely the enclosed financial statement (writing "no" or "n/a" as applicable). We are enclosing a self-addressed envelope for your convenience. Please return this form within three weeks from the date of this letter.

Upon review of the financial disclosure form, this office will notify you accordingly. You should therefore include copies of any documentation relevant to your financial condition that you wish this office to consider in reviewing your payment schedule. If you have any questions, please do not hesitate to call.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

By: Natalya Yagudayeva  
NATALYA YAGUDAYEVA  
Financial Litigation Agent  
Telephone: (212) 637-1561

Enclosure (1)

**EXHIBIT D**



United States Attorney  
Southern District of New York

Our Reference N°: 2007Z00103/003-004

86 Chambers Street  
New York, New York 10007

July 10, 2007

Mr. Salvador E. Rosillo  
78 Reade Street  
New York, NY 10007

Re: United States v. Salvador E. Rosillo  
Court N°: 07 CIV 6027 (JSR)

Dear Mr. Rosillo:

We received the letter from your friend Mr. Fernandez regarding your defaulted student loan. In response, on February 2, 2007, we mailed you a financial disclosure statement. You have not responded. We have therefore filed a civil complaint against you, and have enclosed copies of the following: (1) the complaint; (2) a Notice of Lawsuit and Request for Waiver of Service of Summons; and (3) an original and two copies of the consent judgment.

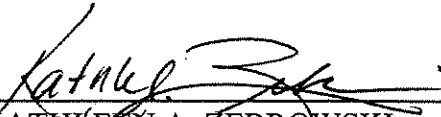
If you wish to avoid being served with the complaint, please **sign** and **return** the Waiver of Service of Summons. You must return this form within 30 days or you will be served with the complaint.

In addition, if you wish to enter into a consent judgment, please sign the original and one copy of the proposed judgment. You **MUST** have your signature notarized on the original and one copy of the consent judgment. If you are unable to find a notary, please call and arrange to come into the office. We have enclosed a stamped, self-addressed envelope for your convenience.

Lastly, please fill out completely the enclosed financial statement (writing "no" or "n/a" as applicable). Please return this form within three weeks from the date of this letter. If you have any questions, please do not hesitate to telephone me at the number listed below or Natalya Yagudayeva at (212) 637-1561.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:   
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
Telephone N°: (212)637-2710

Enclosures.

**EXHIBIT E**

Waiver of Service of Summons

To: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

I acknowledge receipt of your request that I waive service of a summons in the action of United States of America v. Salvador E. Rosillo, which is case number 07 CIV 6027 (JSR) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

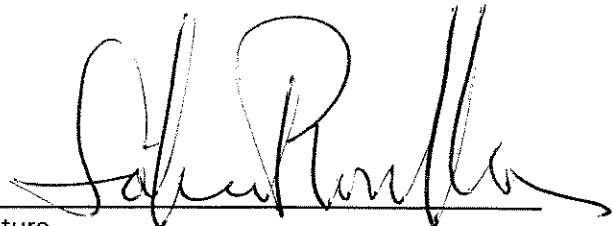
I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after the 11<sup>th</sup> day of July 2007 or within 90 days after that date if the request was sent outside the United States.

Date

07/17/07

Signature



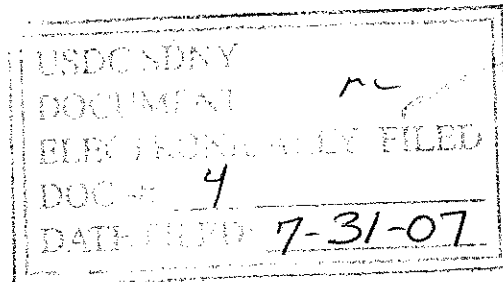
Salvador E. Rosillo  
Printed/typed name

**EXHIBIT F**

ORIGINAL  
7/31/07

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-2710  
Fax No.: (212) 637-2717

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

- against -

SALVADOR E. ROSILLO,

Defendant.

CONSENT JUDGMENT

07 CIV 6027 (JSR)

# 07,1485

This action having been commenced by the filing of a complaint and the issuance of a summons on June 26, 2007, and defendant waiving service of the summons and acknowledging receipt of the complaint,

NOW, on the signed consent of the plaintiff and the defendant, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against defendant Salvador E. Rosillo in the sum of \$17,977.94, plus \$29,312.52 (representing interest at the rate of seven (7) percent per annum on the sum \$12,572.94 and three (3) percent on the sum of \$5,405.00); plus administrative costs in the amount of \$87.00, and plus the costs and disbursements in the sum of \$350.00, amounting in all to the sum of \$47,727.46, with interest from the date of judgment as provided by law and that

AUG - 1 2007 - 12 08 PM



Dated: New York, New York

July 26, 2007

Agreed and Consented to:

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff

By: Kathleen A. Zebrowski  
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

Salvador E. Rosillo  
Salvador E. Rosillo  
Defendant, Pro Se

Sworn to before me this  
26<sup>th</sup> day of July 2007

Maria A. Cotto  
Maria A. Cotto  
Notary Public, State of New York  
No. 01CO5064894  
Qualified in Bronx County  
Commission Expires 8/26/2010

Sworn to before me this  
th day of July 2007

07/24/07

SO ORDERED:

J. Michael McMahon  
UNITED STATES DISTRICT JUDGE

7-30-07

Emily C. Liu  
Emily C. Liu  
Notary Public, State of New York  
No. 01LI5051174  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires October 30, 2009  
FOR ONLY MR. Salvador E Rosillo  
on 7/24/07

ECF  
DOCUMENT

I hereby attest and certify that this is a printed copy of a  
document that was electronically filed with the United  
States District Court for the Southern District of New York

Date Filed: 7/31/07  
J. MICHAEL MCMAHON, CLERK

By: 22

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON 7/31/07